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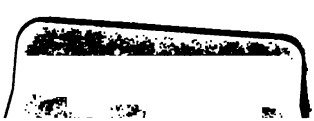

THE

MILITIA ACTS

AND

REGULATIONS.

THE

MILITIA ACTS,

AND

MILITIA REGULATIONS

(*Of September*, 1854);

TOGETHER WITH

Notes and Index.

BY

THOMAS WILLIAM SAUNDERS, ESQ.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

FOURTH EDITION.

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JOHN CROCKFORD, LAW TIMES OFFICE,

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TO THE

FOURTH EDITION.

The present Edition contains not only the Statutes passed in the last Session of Parliament (1855), but the new Regulations issued by the War Office. To these Regulations an Index will be found attached; and it may be added that the General Index has been revised and enlarged so as to increase its practical utility.

T. W. S.

1, Cloisters, Temple,
November, 1855.

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TO THE

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The present Edition contains not only the statutes passed in the last Session of Parliament, but also the new regulations issued by the War Office in September. To these regulations an index will be found attached; and it may be added that the general index has itself been revised and enlarged, so as to increase its practical utility.

T. W. S.

1, Cloisters, Temple,
November, 1854.

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TO THE

SECOND EDITION.

In presenting to the public the Second Edition of this book, it is the Editor's first and most pleasing duty to acknowledge the courtesy of the Authorities at the War Office, who have not only in the handsomest manner furnished him with a copy of their valuable Orders, but by their suggestions have greatly assisted to the permanent usefulness of the work.

In pointing attention to the contents of the volume, it will be observed that they differ materially from those of its predecessor. Thus it will be found that the two annual acts, *The Militia Pay* (16 & 17 Vict. c. 116) and *The Militia Ballots Suspension and Militia Law Amendment* (16 & 17 Vict. c. 133) are essentially dissimilar from those of the previous volume, and contain enactments of a new and an important character. Added to which there will be found *The Militia Regulations* made by the Secretary-at-War under the provisions of the 15 & 16 Vict. c. 50, which form a

valuable code for the discipline and regulation of
important force.

Before dismissing the subject it is fair to adver
the great popularity and success of the Militia it
In all districts the force has given the greatest s
faction; and not only from local authorities, but f
the voice of Parliament itself, have the praises of
national army been loud and unanimous.

T. W. S

1, Cloisters, Temple,
October, 1853.

INTRODUCTION.

WHETHER or not in re-establishing the General Militia of this country the Legislature have acted wisely, it is not the province of these pages to discuss. It may be, that the fears of an invasion which first suggested the measure of the last session were both ill-founded and ridiculous;—it may be that the possibility of any foreign power accomplishing that which since the days of William the Conqueror (now 786 years ago) never has been effected, and which the most powerful monarch of modern days never could achieve, is too remote to be otherwise than a subject of the most idle speculation, and which, were it otherwise, would be properly kept in check, not by a few regiments of men taken from their ordinary peaceful avocations and unused to the rigour of permanent discipline, but by that Navy which is, or ought to be, capable of crushing the combined attacks of the rest of the civilized world;—it may be that an immense variety of evil may spring from the measure without one single advantage to countervail it; and yet, as being the actual law of the land, affecting, directly or indirectly, every man in the country, it becomes the duty of all to acquire some general knowledge of its various provisions.

The Militia Act of the last session of Parlian
(the 15 & 16 Vict. c. 50) had a twofold purpose.
designed, in the first instance, to raise a body of vo
teer militia-men, and, failing this, to raise the mi
compulsorily by ballot. In the first instance, there
voluntary enlistment is to be resorted to, and it is
upon failure in procuring a sufficient number of
in this way that the machinery of balloting for mil
men is to be brought into operation.

Long prior to the passing of the 42 Geo. 3, c. 9
militia had been permanently established in
country; but by that enactment the former stat
were repealed, and the whole law was consolidated
one act. That act (which has since been amended
other statutes) was a perpetual one, and provided
the whole machinery of a militia upon an active
ing; and under that statute the militia was subjec
be annually balloted for, and called out for training
exercise. Sometime after the close of the last
however, it was found that these annual proceed
were productive of very much cost and inconvenie
and resulted in no equivalent advantage; hence
Legislature have annually passed an act to suspend
making of lists and ballots of the militia, in the abs
of which statute the General Militia Act (the 42 Ge
c. 90,) would be in full operation. It will be fo
therefore, that the foundation of our present Mi
Acts is the 42 Geo. 3, c. 90, and that all its cla
subject however to the provisions of the act of the
session (15 & 16 Vict. c. 50), are by the thirty-se
section of the last-mentioned act revived in all
integrity.

The principle upon which this compilation has

formed has been that of giving in their entire form, and in their proper order, all the acts now in force upon the subject of the militia, annexing such notes as are required to explain the alterations created in the various sections, and thus, by expunging nothing that is not actually repealed, endeavouring to avoid all possible doubt or confusion: thus, in the 42 Geo. 3, c. 90, s. 19 (page 15), the old quotas of men for each county are retained, whilst a note is appended drawing attention to the modification as created by the 15 & 16 Vict. c. 50, and the subsequent Order in Council (see pages 17, 194, and 247.) By this arrangement, whilst nothing is omitted which is necessary to be known, the work is free from the imputation of being merely a selection of parts of acts, which the compiler may or may not have selected with discretion. The acts themselves have been placed in the order of their enactment, commencing with the 42 Geo. 4, c. 90, and concluding with the statutes of the last session of Parliament.

Upon the Index much care has been bestowed, and it is confidently hoped that it will form so ready and convenient a reference to the contents of the work, that no difficulty will be experienced in consulting its pages.

T. W. S.

1, Cloisters, Temple,
August, 1852.

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Page 18, note (*a*), add "see page 252, note (*a*), and see sect. 37 of the 17 & 18 Vict. c. 105, *post*, page 253."

„ 52, note (*a*), add "see page 252, note (*a*), and sect. 40 of the 17 & 18 Vict. c. 105, *post*, page 255."

„ 76, note (*a*), add "see 17 & 18 Vict. c. 105, s. 52, *post*, page 259."

„ 81, note (*a*), add "see page 252, note (*a*), and sect. 45 of the 17 & 18 Vict. c. 105, *post*, page 256."

„ 85, note (*a*), add "see page 252, note (*a*), and also sect. 46 of the 17 & 18 Vict. c. 105, *post*, page 257."

„ 195, note (*a*), add "see page 252, note (*a*), and sect. 36 of the 17 & 18 Vict. c. 105, *post*, page 253."

„ 197, note (*a*), add "see page 252, note (*a*), and sect. 36 of the 17 & 18 Vict. c. 105, *post*, page 253."

„ 198, note (*a*), add "see page 252, note (*a*), and sect. 36 of the 17 & 18 Vict. c. 105, *post*, page 253."

THE

MILITIA ACTS.

42 GEO. 3, CAP. 90.

An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia.—[26*th June*, 1802.] (*a*)

WHEREAS a respectable military force, under the command of officers possessing landed property, within Great Britain, is essential to the Constitution; and the militia, as by law established, through its constant readiness on short notice for effectual service, has been found of the utmost importance to the internal defence of this realm: and whereas it is necessary, for the better fulfilling the purposes of the institution of the militia, that the numbers thereof to be raised and kept in constant readiness for effectual service within Great Britain should be augmented: and whereas the laws now in force for regulating the militia require amendment; and it is expedient that many of the provisions contained in the several acts relating to the same should be repealed, and others of them continued and amended, and that new provisions should be made; and it would greatly tend to the better execution thereof if the whole of the said provisions were comprised in one act of Parliament: and whereas it is necessary for the purposes aforesaid, that certain acts and parts of acts now in force should be repealed [*the act then repeals a great number of prior acts relating to the militia, and afterwards proceeds as follows*]: provided always, that the repealing of the said

Certain acts and parts of acts relating to the militia repealed.

Repeal of acts

(*a*) The present Act of Parliament is in force in all particulars not inconsistent with and subject to the provisions of the 15 & 16 Vict. c. 50: (see sect. 32, *post*, page 203.) The enactments therefore relative to balloting are now inoperative.